

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: JOHNNIE SANFORD and
SHIRE SANFORD**

**CHAPTER 13
NO: 13-12628 JDW**

RESPONSE TO TRUSTEE'S OBJECTION TO CONFIRMATION

COMES NOW, JOHNNIE SANFORD and SHIRE SANFORD, Debtors in the above styled and numbered cause, by and through undersigned counsel, and file this their Response to Trustee's Objection to Confirmation (Dk #62), respectfully showing unto the Court as follows:

1. The allegations of paragraph one of the Objection are admitted.
2. The allegations of paragraph two of the Objection are admitted. However, simultaneously with this Response, the Debtors are filing an Amended Objection to Secured Claim of Batesville Financial Services.
3. The allegations of paragraph three of the Objection are admitted. However, simultaneously with this Response, the Debtors have filed an Amended Plan adding the language requested by the Trustee.
4. With respect to the allegations of paragraph four of the Objection, the Debtors have filed an Amended Plan and an Objection to Proof of Claim of the Internal Revenue Service.
5. The allegations of paragraph five of the Objection are denied. Since the vehicles are security for the same claim, under the Fifth Circuit ruling in *In Re Williams*, the Debtors do not have the authority to surrender some collateral and retain other collateral when the loan is secured by the same collateral.
6. The allegations of paragraph six of the Objection are admitted. However, simultaneously with this Response, the Debtors have filed an Amended Plan adding the language requested by the Trustee.
7. With respect to the allegations of paragraph seven of the Objection, the Debtors assert that as a result of the claim of the IRS, there is no disposable income available for the benefit of general unsecured claims.

8. The allegations of paragraph eight of the Objection are denied.

9. With respect to the allegations of paragraph nine of the Objection, the Debtors assert that the Trustee has requested amendments in her Objection; and thus cannot object to provisions of an unfiled amended plan.

WHEREFORE, Debtors pray this Court will enter its Order overruling the Trustee's Objection to Confirmation and dismissing the same. Debtors pray for such other, further and general relief to which they may be entitled.

Respectfully Submitted,
JOHNNIE SANFORD and
SHIRE SANFORD, Debtors

By: /s/ Robert Gambrell
Robert Gambrell (MSB #4409), Atty for
Debtors

CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtors, do hereby certify that the following have been served electronically via ECF the above Response to Trustee's Objection to Confirmation:

Henry G. Hobbs, Jr., Acting U. S. Trustee: USTPRegion05.JA.ECF@usdoj.gov
Locke D. Barkley: sbeasley@barkley13.com

Served on this the 7th day of October, 2013.

/s/ Robert Gambrell
ROBERT GAMBRELL, MSB #4409
GAMBRELL & ASSOCIATES, PLLC
101 Ricky D. Britt Blvd., Ste. 3
Oxford, MS 38655
Ph: (662)281-8800 / Fax: (662)202-1004
rg@ms-bankruptcy.com